UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,810	03/06/2002	Robert L. Miller II	01-2122.01	8404

24504 7590 12/19/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 October 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-9,11-15 and 17-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,3-9,11-15 and 17-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>06 March 2002</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1. This action is response to communications: application, filed 03/06/2002; amendment

filed 10/02/2006. Claims 1, 3-9, 11-15, 17-28 are pending; claims 2, 10 and 16

2. Examiner notes that the applicant points out the premature Final rejection, the Final

rejection previously given is restated to non-final as indicated in the supplemental action sent out

on 12/12/1006. In respone to the amendment filed on 10/02/2006, a final rejection is made

according to the changes scope of the claims.

Response to Arguments

3. Applicant's arguments filed 10/02/2006 have been fully considered; however

Applicant's arguments are not persuasive. The office action is retained.

4. Regarding to applicant's arguments to claim 1 with respect to the combination of the

Carcerano and the Davidson fails to suggest the provision template having control values that

have been defined via user input for provisioning network elements of the network

communication network, one of the control values indicative of how a user has specified a

network element attribute is to be provisioned;... to automatically provision each of the

identified network elements by updating a respective configuration of each of the identified

network elements based on the on control value are not persuasive: As applicants discloses the

term "provision" means "processing for setting or establishing control values for a network

element; attributes such as (lines speed, error correction setting...etc), see (Specification, [0006],

lines 4-5; [0004]; [0035]; [0037]-[0038]; [0040]-[0046]). In analogous art, The Carcerano

discloses "the browser-based management system" which is equivalent to "system controller"

receives a request for configuration information from "a network device" which is equivalent to

"network element." The user of network device can view the received configuration information

and updates "configuration data" which is equivalent to "control value." Carcerano also discloses

the browser-based management system includes "templates" which is equivalent to "provision

template" which is generating based upon types of received requests. The template discloses

current configuration information for requesting network device and the template also being used

to receive "updating configuration data" which is equivalent to "control values" input by user:

(Carcerano: abstract; column 8, lines 54-67; column 9, lines 1-67; column 5, lines 29-31; column

3, lines 5-23; column 6, lines 12-19; column 8, lines 53-61;). While Davidson discloses method

for automatically updating configuration data for peripheral device such as the peripheral can be

automatically configured by a configuration software which runs on a host computer: (Davidson:

column 2, lines 17-40, lines 44-47)

5. In response to applicant's argument to claim 1 with respect to the references fail to

show certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., a provision template can be used by a system controller to automatically provision the

same network element attribute for plurality of network elements; the same network element

attribute for each plurality of network elements is automatically updated based on the same

control value of the provision template) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

6. Regarding to applicant's arguments to claim 1 with respect to the references fail to discloses control value are not persuasive. As Applicant discloses control values means control values for controlling network element such as (DSL cards, IMA cards, ATMs ...etc, see (abstract, lines 3-5; [0005], lines 6-7; [0006], lines 6-18; [0039]; figure 1, item 21), in analogous art, The Carcerano discloses "the browser-based management system" which is equivalent to "system controller" receives a request for configuration information from "a network device" which is equivalent to "network element." The user of network device can view the received configuration information and updates "configuration data" which is equivalent to "control value:" (Carcerano: abstract; column 8, lines 54-67; column 9, lines 1-67; column 5, lines 29-31; column 3, lines 5-23; column 6, lines 12-19; column 8, lines 53-61)

7. In response to applicant's argument to claim 1 with respect to the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a default configuration values are defined via use input) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

8. In response to applicant's argument to claim 1 with respect to the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., any user input value for changing the default configuration of one peripheral device would automatically used for any other peripheral device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993)

9. In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so found either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992). In this case, both of the Carcerano and the Davidson teach about configuration method

for network device, see (Carcerano: abstract, lines 1-20; Davidson: title, abstract)

10. Regarding to applicant's arguments to claim 1 with respect to reference fails to teach

at least one control value that has been defined by user input and is indicative of how a user has

specified a network element attribute is to be provisioned; system controller configured

to…automatically provision each of the identified network are not persuasive. The Carcerano

discloses "the browser-based management system" which is equivalent to "system controller"

receives a request for configuration information from "a network device" which is equivalent to

"network element." The user of network device can view the received configuration information

and updates "configuration data" which is equivalent to "control value": (Carcerano: abstract;

column 5, lines 29-31; column 3, lines 5-23; column 6, lines 12-19; column 8, lines 53-61).

While Davidson discloses method for automatically updating configuration data for peripheral

device such as the peripheral can be automatically configured by a configuration software which

runs on a host computer: (Davidson: column 2, lines 17-40, lines 44-47)

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or descry
bed as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the

prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by

the manner in which the invention was made.

Claims 1, 3-9, 11-15, 17, 21-22, 24-25 are rejected under 35 U.S.C 103(a) as being un-patentable over Carcerano et al. (U.S. 6,308,205) in view of Davidsion et al. (U.S. 5,428,748)

Regarding to claim 1:

Carcerano discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for managing elements of a communication network, comprising:

Memory for storing a provision template, the provision template having control values that have been defined via user input for provisioning network elements of the communication network, one of the control values indicative of how a user has specified a network element attribute is to be provisioned: (Carcerano discloses communications between a browser-based network configuration system and "network device" which is equivalent to "network elements". The browser based network management server includes "a database" which is equivalent to

"memory" for storing templates which is generated based on types of received requests. The

templates used to provide current configuration information for a network device, the user can

update new "configuration parameters/control data" which is equivalent to "control values" via

using the templates: abstract; Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-

31; lines 29-31; column 8, lines 54-67; column 9, lines 1-67; column 3, lines 5-23; column 6,

lines 12-19)

Updating a respective configuration of each of the identified network elements based on

the one control value: (similar to the rejection to limitation above, Carcerano discloses he

templates used to provide current configuration information for a network device, the user can

update new configuration parameters/control data via using the templates: abstract; Fig 5, items

105, 107; column 2, lines 46-53; column 5, lines 13-31; lines 29-31; column 8, lines 54-67;

column 9, lines 1-67; column 3, lines 5-23; column 6, lines 12-19)

The network element are communicatively coupled to the EMS via the network

communication: (Carcerano discloses communications between network devices and the

browser-based network configuration system are implemented over a network: abstract)

However, Carcerano does not explicitly disclose a plurality of network elements is to be

applied and to automatically provision.

In analogous art, the Davidson discloses method for automatically updating configuration

data for peripheral devices those can be automatically configured by a software which runs on a

host computer: (column 2, lines 17-40, lines 44-47)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine Davidson's ideas of automatically downloading the

configuration parameter into the peripheral devices with Carcerano's system in order to be able

to provide up-to-date configuration information for peripheral devices

Regarding to claims 6, 8-9, 12-13:

This claim is rejected under rationale of claim 1

Regarding to claim 14:

Carcerano discloses the invention substantially as claimed, including a method, which

can be implemented in a computer hardware or software code for managing elements of a

communication network, comprising:

Defining a first provision template based on user input, the first provision template

having control values and correlated with a plurality of network elements to which the first

provision template is to be applied, each of the control values corresponding a respective

network element attribute for each of the correlated network elements: (Carcerano discloses

communications between a browser-based network configuration system and "network device"

which is equivalent to "network elements". The browser based network management server

including a database which for store templates those are generated based on types of receive

requests. The templates used to provide current configuration information for a network device,

the user can update new "configuration parameters/control data" which is equivalent to "control

values," via using the templates: abstract; Fig 5, items 105, 107; column 2, lines 46-53; column

5, lines 13-31; lines 29-31; column 8, lines 54-67; column 9, lines 1-67; column 3, lines 5-23;

column 6, lines 12-19)

However, Carcerano does not explicitly disclose automatically provisioning the

correlated network elements

In analogous art, the Davidson discloses method for automatically updating configuration

data for peripheral devices those can be automatically configured by a software which runs on

host computer: (column 2, lines 17-40, lines 44-47)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine Davidson's ideas of automatically downloading the

configuration parameter into the peripheral devices with Carcerano's system in order to be able

to provide up-to-date configuration information for peripheral devices

Regarding to claims 21-22:

This claim is rejected under rationale of claim 14

Regarding to claim 24:

This claim is rejected under rationale of claim 21, However Carcerano-Davidsion further

discloses second provision template: (Carcerano discloses plurality of templates, so at least one

them is equivalent to "second provision template:" Fig 5, items 105, 107; column 2, lines 46-53;

column 5, lines 13-31)

Regarding to claim 25:

In addition to rejection in claim 24, Carcerano-Davidsion further discloses selecting

provision templates based on a user input: (Carcerano discloses responsive to user request a

template is generating: column 13, lines 37-45)

Regarding to claim 3:

In addition to the rejection in claim 1, Carcerano- Davidson further discloses:

The EMS is interfaced with a plurality of clients: (Carcerano: Fig. 1, item 3, 34, 13, 45,

37 e.g.).

One client is configured to display a GUI based on the selected set of GUI code and to define the provision template based on user inputs received by the one client, the one client further configured to transmit the template to the EMS: (Carcerano: template is displayed in HTML format, and the user can input the updated configuration information in the template and send them back into a database: column 9, lines 43-67; column 13, lines 1-67; column 14, lines 1-67).

The memory stores sets of graphical user interface (GUI) code, each of the sets of GUI code defining a different GUI; the system controller is configured to select one of the sets of GUI code and to provide the selected set of GUI code to one of the clients: (Carcerano discloses there are "HTML templates" which is equivalent to "set of graphical user interfaces" in the database so the user can make selection on configuration information, and each HTML template defines configuration for each network device: Fig 5, items 11, 107; Fig 6, items 141; column 9, lines 43-67)

Regarding to claim 4:

In addition to rejection in claim 1, Carcerano-Davidsion further discloses the EMS is interfaced with a plurality of clients, and wherein the system controller is configured to receive the provision template data from one of the clients and to store the received provision template date in the memory: (Carcerano discloses the browser based network management server including a database for storing "configuration parameters" which is equivalent to "control values," those are changed or updated from configuration information templates by administrators from remote workstations: Fig 5, items 105, 107; column 2, lines 46-53; column 5, lines 13-31)

Regarding to claim 5:

In addition to the rejection in claim 4, Carcerano- Davidson further discloses

communication session that is between the EMS and the one client: (Carcerano discloses

template is displayed in HTML format, and the administrator can input updated configuration

information in that template and send it back to database. Although Carcerano does not explicitly

disclose there different sessions performances in his invention such as delivering updated

configuration parameters into devices, however this feature is deemed to be process in the

Carcerano's system in order to be able to complete configuration process, see (abstract, lines 15-

20; column 9, lines 43-67)

Regarding to claim 7:

This claim is rejected under rationale of claim 5

Regarding to claim 11:

In addition to the rejection in claim 8, Carcerano- Davidson further discloses:

The EMS is interfaced with a plurality of clients: (Carcerano: Fig. 1, item 3, 34, 13, 45,

37 e.g.)

The system controller is configured to receive, from the one client, data that identifies the

selected a plurality of network elements: (Carcerano discloses there are "HTML templates"

which is equivalent to "set of graphical user interfaces" in the database so the user can make

selections on configuration information, and each HTML template defines configuration

parameters for each network device: (Fig 5, items 11, 107; Fig 6, items 141; column 9, lines 43-

67)

the system controller is configured to select correlate the provision template with each of

the selected network elements based on identified by the data received from the one client:

(Davidson discloses automatically configuring system; wherein "configuration information" which is equivalent to "control value" is automatically downloaded from host computer. Davidson discloses the host computer includes a table of configuration parameters, a configuration setup program, which allow user to change the default configuration parameters, and the configuration setup program can packs the changed configuration parameters into the compatible format need by the peripheral device and automatically downloads those configuration parameter into the device: "column 1, lines 6-12; column 2, lines 44-67; column 5, lines 54-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Davidson's ideas of automatically downloading the configuration parameter into the peripheral devices with Carcerano's system in order to be able to provide up-to-date configuration information for peripheral devices

Regarding to claim 15:

In addition to the rejection in claim 14, Carcerano- Davidson further discloses:

Displaying the first provision template: (Carcerano discloses the retrieved template is displaced in HTML format: column 9, lines 43-67).

Updating the first provision template base on user inputs; wherein the provisioning step includes the step of storing control values indicated by the update first provision template into each of the correlated network elements (Carcerano discloses a user can fill in or selects updated configuration information from blank or drop down window in retrieved template, and the updated template is stored back into a database: Fig 5, items 104, 105, 107; column 15, lines 56-67)

Regarding to claim 17:

In addition to the rejection in claim 14, Carcerano- Davidson further discloses:

Defining a second provision template, wherein the second provision template has a control values for controlling a particular network element attribute and wherein one of the control values of the first provision template is for controlling the particular network element attribute: (Carcerano: column 1, lines 25-38, 52-67; column 2, lines 5-67)

Selecting between the first and second provision templates based on the request, wherein the retrieving step is based on the selecting between the first and second provision templates step: (Carcerano: column 1, lines 25-38, 52-67; column 2, lines 5-67)

Claims 18-19 and 23 are rejected under 35 U.S.C 103(a) as being un-patentable over Carcerano-Davidsion in view of Ruberg et al. (U.S. 6,538,668)

Regarding to claims 18 and 23:

Carcerano-Davidsion discloses the invention substantially as disclosed in claims 1 and 21, but does not explicitly teach wherein the network element attribute is line speed

However, Ruberg discloses one of setting configuration attributes is mouse speed, see (column 1, lines 25-35)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ruberg's ideas of including mouse speed in setting configuration attributes with Carcerano-Davidsion's system in order to speed up for communication process

Regarding to claim 19:

This claim is rejected under rationale of claims 1 and 18

Claim 20 is rejected under 35 U.S.C 103(a) as being un-patentable over Carcerano-

Davidsion in view of Lewis et al. (U.S. 6,243,747)

Regarding to claim 20:

In addition to rejection in claim 8, Carcerano-Davidsion further discloses network

element attribute

   In analogous art, Lewis discloses method for using template to generating configuration

information. Lewis discloses each templates includes "attributes" those are equivalent to "control

values" and each attribute is setting via "selected values" those are equivalent to "network

element attributes": (figure 3, items 40 and 42)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine Lewis's ideas of including using setting configuration values

with Carcerano-Davidsion's system in order to be able to make a changing/updating with resided

user selecting values

Claims 26-28 are rejected under 35 U.S.C 103(a) as being un-patentable over

Carcerano-Davidsion in view of Iijima et al. (U.S. 6,223,218)

Regarding to claims 26-28:

Carcerano-Davidsion discloses the invention substantially as disclosed in claims 1, 12

and 21, but does not explicitly teach the network element attribute for each of the identified

network elements if provisioned by the system controller without the user repetitively specifying

how the network element attribute is to be provisioned for the identified network elements

In analogous art, Iijima discloses an automatic configuration information setting system;
wherein configuration parameters are automatically set and updated without effort by network
administrator: (abstract, lines 1-25)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the
invention was made to combine Iijima's ideas of automatically setting/updating configuration
parameters for network devices/switchs with Carcerano-Davidsion's system in order to provide
an efficient configuration system

The prior arts made of records and not relied upon are considered pertinent to applicant's
disclosure. The following patents and publications are cited to further show the state of the art
with respect to "elemental management system and method ultilizing provision templates":
6389464, 6243747

Applicant's amendment necessitated the new ground(s) of rejection presented in this
Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
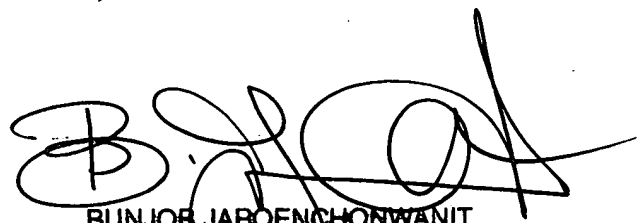
Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/14/2006

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